

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

DD/A Registry

83-0235/19

FROM:

Director of Information Services
1206 Ames Building

EXTENSION

NO.

DATE

1 July 1983

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

EO/DDA

5 JUL 1983

6 JUL 1983

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FYI

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7 JUL 1983

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Registry file

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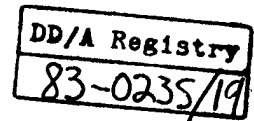
14.

15.

DD/A REGISTRY

FILE: 70-4

30 JUN 1983



MEMORANDUM FOR THE RECORD

FROM: [REDACTED] OIS/RMD/RSB

SUBJECT: Meeting at Old E.O.B. re Nondisclosure Agreement Forms -
28 June 1983

1. The following CIA and DCI/SECOM representatives, [REDACTED] and the undersigned, were attendees at a meeting called by the NSC. This meeting was called by [REDACTED]/NSC Staff, in an attempt to have the Intelligence Community Agencies, who have been working on several draft versions of the SCI and Collateral Nondisclosure Agreement forms, come to an agreement for the forms adoption. These nondisclosure forms are needed to assist in the implementation of a portion of NSDD 84.

2. The meeting was held in the Indian Treaty Room, at 0930 on 28 June 1983. Mr. Robert Kimmitt, Executive Secretary of the National Security Council, welcomed the attendees to the meeting and made some opening remarks as to the importance of the forms being drafted. He commented on the concerns of the President regarding leaks of classified intelligence information, especially SCI, and the need for the Intelligence Community to help in resolving this situation. He also reminded the representatives that the response to their June 10 memorandum requesting agencies to submit draft regulations required by NSDD 84 is due no later than the open of business, 5 July 1983.

3. The meeting was then turned over to [REDACTED] who basically repeated Mr. Kimmitt's concerns. Mr. Steve Garfinkel, D/IS00, then set the tone for the meeting by expressing the importance in trying to resolve the impasse that exists in the adoption of enforceable SCI and Collateral nondisclosure agreement forms. He further commented that he expected that this would be the last meeting that we will be holding on this matter. Because the forms must have the enforceability to withstand court litigations, Mr. Richard Willard, Deputy Assistant Attorney General, Dept. of Justice, went through the forms review process with the attendees. The SCI form was reviewed first, line by line, and then followed by the Collateral form. Much debate, differences of opinion, discussions, etc., ensued and the outcome for the SCI Nondisclosure Agreement form appeared unsettled.

4. Much attention, however, was focused on paragraphs 5, 8, and 9 of the SCI form. The Agency's position to strengthen the language in paragraph 5 to ensure that SCI information would not be intermingled with other classified intelligence reports or estimates, sources and methods, employment access to information, etc., as presented in the June 17 draft, was met with considerable opposition. Much of the opposition came from the State and Defense representatives. At one point in the exchanges, Mr. Willard acknowledged that the language in the present draft did compromise

the desired stringent language that was in earlier drafts. He felt, however, that with the expected pressures from the press, public relations with Congress, civil liberty unions, etc., that is expected to descend on the Justice Dept., ISOO, and the NSC, the compromise version had to prevail. Although Mr. Willard would prefer a more stringent version, it was his judgement that the latest versions of the SCI and Collateral forms would be enforceable.

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5. [] presented a SECOM proposal on wording for paragraph 5 of the SCI Nondisclosure Agreement. The proposal was reviewed, discussed, and partially agreed to by some of the attendees but it is unknown at this time whether any of the changes will actually appear in the final product. The following documents are attached for background information:

- a. Copy of SECOM's proposal for paragraph 5 of SCI Nondisclosure Agreement form.
- b. Comparison sheet showing the differences in paragraphs 8 & 9 of the June 17 SCI Nondisclosure Agreement draft vis-a-vis the June 28 version approved by the attending representatives.
- c. Copy of a draft policy paper, concerning employee obligations to protect classified information, distributed by the Dept. of Justice representative.

6. In conclusion, the meeting ended at 12:30 P.M. with uncertainty as to a final decision regarding the SCI Nondisclosure Agreement form. The majority of the representatives, with the exception of the State Dept., approved the Collateral form. A consensus of opinion between our representatives is that a meeting between the ISOO, Justice, and the NSC representatives will convene and they will come up with what they feel to be acceptable forms. Final drafts will then be forwarded to the agencies as a courtesy and those agencies opting for more stringent forms for their own use may submit a waiver. I understand that [] plan to present an option paper to Mr. Casey as to what they feel his position should be. He will then be put in the position to either disagree and go to higher authority or go along with the majority decision.

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Attachments: A/S

SCI NONDISCLOSURE AGREEMENT

17 June 1983 Draft

5. In consideration of being granted access to SCI and of being assigned or retained in a position of special confidence and trust requiring access to SCI and other classified information, I hereby agree to submit for security review by the Department or Agency that last granted me either a security clearance or an SCI access approval all materials, including works of fiction, that I contemplate disclosing to any person not authorized to have such information, or that I have prepared for public disclosure, which contain or purport to contain:

(a) any SCI or other classified intelligence reports or estimates; or

(b) any discussion of intelligence activities, sources or methods to which I had access in the course of my employment, contract or other relationship with the United States Government.

SECOM Proposal

5. In consideration of being granted access to SCI and of being assigned or retained in a position of special confidence and trust requiring access to SCI and other classified information, I hereby agree to submit for security review by the Department or Agency that granted me an SCI access approval all materials, including works of fiction, that I contemplate disclosing to any person not authorized to have such information, or that I have prepared for public disclosure, which contain or purport to contain:

(a) any SCI or description of activities that produce or relate to SCI or that I have reason to believe are derived from SCI,

(b) or other intelligence reports or estimates,

(c) or any discussion of intelligence data, activities, sources or methods.

June 17, 1983 Draft SCI Nondisclosure Agreement Form
Paragraph 8 and 9

Paragraph 8, June 17 Draft

In addition, I hereby assign to the United States Government all rights, title and interest, and all royalties, remunerations, and emoluments that have resulted, will result, or may result from any disclosure, publication, or revelation not consistent with the terms of this Agreement.

Paragraph 9, June 17 Draft

I understand that the United States Government may seek any remedy available to it to enforce this Agreement including, but not limited to application for a court order prohibiting disclosure of information in breach of this Agreement. I have been advised that the action can be brought against me in any of the United States District Courts where the United States Government may elect to file the action. Court costs and reasonable attorney fees incurred by the United States Government may be assessed against me if I lose such action.

Paragraph 8, June 28 version

In addition, I hereby assign to the United States Government all royalties, remunerations, and emoluments that have resulted, will result, or may result from any disclosure, publication, or revelation not consistent with the terms of this Agreement.

Paragraph 9, June 28 version

I understand that the United States Government may seek any remedy available to it to enforce this Agreement including, but not limited to, application for a court order prohibiting disclosure of information in breach of this Agreement.